

On behalf of: Applicants/Claimants
J.Groves
2nd statement of witness
Exhibits: JG2
Date: 28.02.2024

Claim No. QB-2022-BHM-000044

**IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
BIRMINGHAM DISTRICT REGISTRY**

Between:

- (1) HIGH SPEED TWO (HS2) LIMITED**
- (2) THE SECRETARY OF STATE FOR TRANSPORT**

Claimants

-and-

- (1) NOT USED**
- (2) PERSONS UNKNOWN ENTERING OR REMAINING WITHOUT THE CONSENT OF THE CLAIMANTS ON, IN OR UNDER THE HS2 LAND WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES**
- (3) PERSONS UNKNOWN OBSTRUCTING AND/OR INTERFERING WITH ACCESS TO AND/OR EGRESS FROM THE HS2 LAND IN CONNECTION WITH THE HS2 SCHEME WITH OR WITHOUT VEHICLES, MATERIALS AND EQUIPMENT, WITH THE EFFECT OF DAMAGING AND/OR DELAYING AND/OR HINDERING THE CLAIMANTS, THEIR AGENTS, SERVANTS, CONTRACTORS, SUB-CONTRACTORS, GROUP COMPANIES, LICENSEES, INVITEES AND/OR EMPLOYEES WITHOUT THE CONSENT OF THE CLAIMANTS**
- (4) PERSONS UNKNOWN CUTTING, DAMAGING, MOVING, CLIMBING ON OR OVER, DIGGING BENEATH OR REMOVING ANY ITEMS AFFIXED TO ANY TEMPORARY OR PERMANENT FENCING OR GATES ON OR AT THE PERIMETER OF THE HS2 LAND, OR DAMAGING, APPLYING ANY SUBSTANCE TO OR INTERFERING WITH ANY LOCK OR ANY GATE AT THE PERIMETER OF THE HS2 LAND WITHOUT THE CONSENT OF THE CLAIMANTS**
- (5) MR ROSS MONAGHAN (AKA SQUIRREL / ASH TREE)**

AND 60 OTHER NAMED DEFENDANTS AS SET OUT IN THE SCHEDULE TO THE PARTICULARS OF CLAIM

Defendants

SECOND WITNESS STATEMENT OF JOHN GROVES

I, **JOHN GROVES**, of High Speed Two (HS2) Limited, Two Snow Hill, Snow Hill Queensway, Birmingham, B4 6GA, **WILL SAY** as follows:

Introduction

1. I am the First Claimant's Chief Security and Resilience Officer. I am accountable for the delivery of corporate security support to the First Claimant in line with its security strategy, and the provision of advice on all security related matters. This includes incident response, business continuity, cyber security, information assurance, physical security, personal security, personnel security and security of the future railway. I am the senior representative on behalf of the First Claimant dealing with external security partners, such as the police, security representatives at the Department for Transport, National Protective Security Authority and relevant security authorities and agencies. I have been in this role since March 2022. Prior to this I have extensive experience of security and resilience operations, with over 20 years' experience leading the security and resilience functions of the Bank of England, UK Parliament and Government departments including Defra, No.10 Downing Street and the Home Office.
2. I am authorised to make this statement in support of the Claimants' application to extend the injunction granted by the Order of Mr Justice Julian Knowles dated 20.09.2022 and extended by the Order of Mr Justice Ritchie dated 31.05.2023 (the "**Injunction**").
3. This statement has been prepared with the Claimants' legal representatives.
4. This statement is made from matters that are within my own knowledge and/or (unless other sources of information are stated) knowledge gained from my review of the First Claimant's documents, incident reports logged on the First Claimant's HORACE and Trak Tik systems (these systems are explained in Dobson 2), reports by the First Claimant's security and legal teams and those of the First Claimant's contractors, as well as material obtained and reviewed from open-source internet and social media platforms. In each case I believe them to be true. The contents of this statement are true to the best of my knowledge and belief.
5. There are now shown and produced to me marked **JG2** true copies of documents to which I shall refer in this statement and which can be found at

<https://www.gov.uk/government/collections/hs2-route-wide-injunction-proceedings>.

Page numbers without qualification refer to that exhibit.

6. In preparing this statement I have read the following witness statements filed previously in these proceedings:

(a) Witness Statement of Richard Jordan (“**Jordan 1**”)

(b) First to twelfth witness statements of Julie Dilcock (“**Dilcock 1**” to “**Dilcock 12**”)

I have also reviewed the Thirteenth witness Statement of Julie Dilcock (“**Dilcock 13**”) and Second Witness Statement of James Dobson (“**Dobson 2**”) in draft.

Defined terms used in this statement are the same as those defined in the Particulars of Claim, the above listed statements, and my first witness statement (“**Groves 1**”) unless separately defined in this statement.

Purpose and scope of this statement

7. In this statement I will:

7.1. Update the court on the reduced impact of unlawful direct action by activists upon the HS2 Scheme since the last renewal of the Injunction.

7.2. Set out the modelling that the First Claimant’s security team has carried out to forecast the expected level and impact of unlawful direct action by activists against the HS2 Scheme were the Injunction not to be continued.

7.3. Explain the pattern of unlawful direct action by activists that has emerged since the renewal of the Injunction.

Reduced Impact on the HS2 Scheme

8. In Jordan 1 my predecessor, Richard Jordan, outlined to the court that the Claimants had incurred costs totalling **£121.62m** up to the end of December 2021 in dealing with unlawful direct action protest across Phase One of the HS2 Scheme (Jordan 1, para 14).

9. As I explained in Groves 1, costs continued to escalate until Q3 2022, when there was a notable change in the number and severity of incidents and the costs associated with dealing with those incidents. At **page 1** is a graph showing the change in direct action

protest related incidents over time, from which it can be seen that there is a direct relationship between the imposition of the Injunction in September 2022 and the dramatic drop off of direct action incidents and a commensurate dramatic drop off in the costs associated with dealing with such incidents. Following on from the detail given in Groves 1:

9.1. Q2 2023. A total of 34 incidents were recorded in this quarter, and the cost to HS2 Ltd is recorded at **£0.55million**.

9.2. Q3 2023. Only 9 incidents were recorded at a cost to HS2 Ltd of **£0.66million**.

9.3. Q4 2023. Only 6 incidents were recorded at a cost of **£0.10million** to HS2 Ltd.

10. The cumulative cost to the HS2 Scheme of dealing with direct action to date is plotted as a green line on the graphs presented at **pages 1 and 2** and the change in cost is correlated to gradient. When the line is steeper, spend in that period is higher, if the gradient levels-off spend is reducing. The graphs clearly show that since 01.10.22 the total cost has plateaued, and that the Injunction has had a significant impact in reducing the amount of taxpayer money being spent on dealing with unlawful direct action against the HS2 Scheme.
11. A further impact of the Injunction that is not captured by the financial figures is the change in the working environment for staff and contractors. In Jordan 1, the hostile, intimidating and often violent and dangerous work environment created by unlawful direct action for the Claimants' staff and contractors was described. The feedback from our staff and contractors is that the significant reduction in unlawful direct action activity has changed the perception of those working across the HS2 Scheme, who feel safer and no longer face the previous extraordinary levels of abuse whilst doing their jobs.
12. In addition to a dramatic reduction in reactive security costs, the cost to the taxpayer of proactive security has also been significantly reduced as a result of the deterrent effect of the Injunction – this is particularly the case on Phase 2a of the HS2 Scheme, where much of the land held is difficult to secure by physical means. I have explained below the projected additional costs for proactive security on Phase 2a (where, as explained in Dilcock 13 there are ongoing works notwithstanding the announcement

that construction of that part of the HS2 Scheme would not be proceeding) were the Injunction not to continue.

Forecasted Future Activity

13. The graph at **page 2** shows the security team's forecast as to the expected trajectory of direct action incidents and associated costs should the Injunction not continue. This is based on the security team's assessment that the levels would be analogous to the experience in late 2019 going into 2020. It is projected that the Claimants could incur **£29 million** in security related costs alone (i.e. not including the costs caused by programme delay and damage to land, property, works and equipment, as to which see further below) to the end of Q4 2024, of which **£7 million** is anticipated additional proactive security costs for Phase 2a. In producing this forecast the following factors were considered:

- 13.1. The proficiency of the activists taking direct action against the projects has increased with time.
- 13.2. Many of the activists opposed to the HS2 Scheme have not abandoned direct action altogether. Instead, they are currently campaigning against other causes (as explained in Dobson 1 and Dobson 2), and it is considered that there is a significant likelihood that these individuals may return if the deterrent effect of the Injunction were removed.
- 13.3. The time required by activists to regain momentum would be less than the time it took to first build momentum in the earlier years of the project. The campaign would be able to cross recruit and grow from other groups such as JSO and Palestine Action, where many of the leaders who were so instrumental in the anti-HS2 campaign through 2020 and 2021 are currently actively campaigning.
- 13.4. The recent media coverage around the Government's decision not to proceed with construction on Phase 2 of the HS2 Scheme will undoubtedly encourage activists to believe that their unlawful direct action may yet succeed in having the whole of the HS2 Scheme "cancelled" (despite clear Government statements to the contrary) and may increase potential support for activists from some quarters. This could create fertile ground for the re-establishment of camps. In this sense 2023-24 may be considered analogous to 2020 when the Oakervee

Review and delays around the issuing of notice to proceed coincided with significant camp establishment on Phase One.

- 13.5. A primary motivation for activists remains the desire to cause increased costs to the HS2 Scheme in order to seek to undermine its viability and in that respect activists would be likely to take action against any part of the route where that could be most easily achieved, regardless of the status of that part of the route.
 - 13.6. The Government announcement around Phase 2 of the project has caused localised issues with unhappy former landowners or those who claim to campaign on their behalf which could translate into a return to direct action if the Injunction is not continued.
 - 13.7. The current security provisions deployed by contractors within Phase 2a are predicated upon the deterrent effect of continued injunctive relief. Deterrence is the first principle of security as set out in the Government issued National Protective Security Authority guidance. If the Injunction were not to be continued on Phase 2a, early estimates suggest that additional annual proactive security costs for Phase 2a could be £12million in order to increase both operational and physical security controls commensurate with the changed threat landscape.
14. Even minor delay and disruption to complex civil engineering works, has the potential to cause a significant impact upon both cost and schedule, affecting the Claimants, the public purse and potentially the general public - specifically road and rail users. By way of example, the clearance of the protestor camp at Small Dean in Wendover (covered in detail at Jordan 1 para 63) was undertaken with just hours to spare from an HS2 Scheme programme perspective. Had activists managed to remain within the tunnels for just a few more hours the potential cost and schedule impact upon the program would have been severe due to the dependency upon railway line closures to deliver the viaduct construction works in this area. At the time, it was estimated that the design and cost implications of missing the booked track possession window could well have exceeded £2million per month and that the programme could have been delayed by 12 months.
15. Many of the First Claimant's works around highways, utilities and railways are undertaken within narrow, time limited operating windows and booked closures for the

existing infrastructure. At Small Dean the First Claimant's work could have realistically been delayed for a year as the main works could only be conducted during an extended rail blockade over the Christmas period, and these works were dependent upon the completion of the preliminary works that the activists were delaying by occupying underground tunnels.

16. More recently the First Claimant's contractors have been engaged in complex bridge works crossing motorways in and around Birmingham. These works often require the full weekend closure of the motorway, with works being undertaken to very tight schedules to allow the re-opening of the motorway prior to peak commuter traffic on Monday morning. During such complex works, any delay, either by activists conducting direct action, such as climbing upon a vehicle, or by social media auditors flying drones at low levels, preventing safe lifting operations, will result in a significant and potentially severe delay to the schedule.
17. A reasonable worst-case example for this type of work could see the First Claimants' contractors being unable to undertake a bridge push (an operation where the main span of the bridge is pushed from one abutment to the other over the motorway) as planned. If such a scenario were to occur, then this operation would have to be delayed until another motorway closure, resulting in the traffic management, National Highways booking, bridge launch contractor, crane operators and other costs being duplicated. In total, a failed weekend bridge push would likely incur costs in the region of £200,000 and also result in additional public disruption as a result of additional road closures.

Unlawful Activity Since the granting of the Injunction

18. The incidents that have been experienced since the Injunction was last renewed (described in detail in Dobson 2) can be summarised as follows:
 - 18.1. Vandalism and criminal damage committed during the hours of darkness, for example graffiti sprayed on plant and machinery or windows smashed, or fireworks fired into sites (by trespassing).
 - 18.2. Direct action where activists have occupied property causing damage to the property and costs in removing them.

18.3. So-called “Urban Explorers” who break into land or property to film themselves on it, causing damage to the property and presenting a health and safety risk.

18.4. So called “Auditors” flying drones at low level over active work sites causing interference with the operation of equipment such as cranes.

19. Whilst unwelcome, many of the types of activity set out at paragraph 18.1 are anticipated on a project of this size and nature and are in large part low level and opportunistic and likely to remain that way so long as the Injunction remains in place. The particular issue that the project has been experiencing with drones flown by so-called “Auditors” and the disruption that has caused is explained in detail in Dobson 2. This is an emerging and potentially significant issue that the Claimants are requesting that the court addresses by way of amendment to the Injunction. I see this as a growing security threat to the project and I consider that the issue will spread and become more prevalent causing more significant disruption if the activity is not restrained by the court. We have involved the police in the incidents where works on site have had to stop as a result of unauthorised drone flights and the view has been expressed that the activity may constitute a breach of section 6 of the Public Order Act 2023. However, that Act is in its infancy and untested. It remains to be seen whether prosecutions will be brought or will be successful.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:.....

JOHN GROVES

Dated: 28 February 2024